

# RED RIVER AUTHORITY OF TEXAS

## REQUEST FOR QUALIFICATIONS

### LEGAL SERVICES

#### I. INTRODUCTION

##### A. General Information

The Red River Authority of Texas (the Authority) provides stewardship for the water resources in its 43-county statutory district, encompassing the Canadian and Red River Basins and beginning at the Texas/New Mexico border and ending at Texas/Louisiana border and includes all or parts of Hartley, Oldham, Deaf Smith, Parmer, Castro, Hail, Randall, Potter, Hutchinson, Carson, Armstrong, Swisher, Briscoe, Floyd, Crosby, Gray, Donley, Roberts, Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motley, Childress, Dickens, Cottle, King, Hardeman, Knox, Foard, Wilbarger, Archer, Wichita, Baylor, Clay, Montague, Cooke, Grayson, Fannin, Lamar, Red River, and Bowie counties in Texas. The mission of the Authority is the orderly conservation, reclamation, protection, and development of the water resources throughout the Red River Basin for the benefit of the public.

1. The Authority is in need of certain Legal Services as more fully described below (hereinafter “Services”). This Request for Qualifications (hereinafter “RFQ”) is intended to secure one or more qualified and affordable individual(s)/firm(s) to provide potentially all, part or none of such services. Firms will be vetted and ranked and the Authority will utilize the ranked list for a period of five years.
2. Respondents are to submit a written quote that presents the Respondent’s qualifications, understanding of work to be performed, and description of fees. The Respondent’s quote should be prepared simply and economically and should provide all the information pertinent to its qualifications that respond to the Scope of Services listed herein.
3. Individual(s)/firm(s) responding to this RFQ should have a knowledgeable background and have experience in providing general legal services described in Sect II.A. Interested firms must submit the following materials by **Friday, August 30, 2019 by 3:00 PM** to be considered:

One (1) original and nine (9) copies of the proposal;

- a. One (1) pdf version on a flash drive of the proposal;
- b. Respondents should send or hand-deliver the completed proposals to the following address:
- c.

Red River Authority of Texas  
Attention: General Manager, Randy Whiteman  
3000 Hammon Road

Wichita Falls, Texas 76310

Or by mail:

P.O. Box 240  
Wichita Falls, Texas 76307

4. The Authority reserves the right to terminate this process at any time and no guarantee is expressed or implied that obligates the Authority to contract service(s) for the proposed project(s).
5. The Authority reserves the right to reject any or all proposals submitted. There is no expressed or implied obligation for the Authority to reimburse responding individual(s)/firm(s) for any expenses incurred in preparing proposals in response to this request.
6. The Authority reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether or not that proposal is selected.
7. Inquiries concerning this Request for Proposals may be made to:

General Manager, Randy Whiteman  
At [randy.whiteman@rra.texas.gov](mailto:randy.whiteman@rra.texas.gov)

8. A committee comprised of three designated officials will evaluate proposals and make a recommendation to the full Board of Directors for approval. After Board approval, the Board President or General Manager may negotiate a contract with the highest evaluated individual(s)/firm(s), as determined by the selection committee. Should a contract with the highest evaluated individual(s)/firm(s) not transpire, the Board President may negotiate with another individual(s)/firm(s) in order of prioritized rankings.
9. Lobbying of selection committee members, Authority Board Members, and Staff will not be permitted nor tolerated during the RFQ solicitation period.

**B. Term of Engagement**

1. This is a one-year contract. At the end of the one-year initial contract period, The Authority maintains the option to renew this contract on a month-to-month basis at the discretion of the Authority and agreement with the vendor.
2. After the initial agreement period, the contracting period will renew on a month-to-month basis.
3. Either party may terminate this agreement, in whole or in part, with a 10-day written notice.

**C. Minority and Women Business Enterprise Participation Requirement**

This project will not have a MWBE participation requirement but all MWBEs are highly encouraged to apply.

**II. SCOPE OF SERVICES**

**A. Specific Scope of Work - The successful firm will provide the following services:**

1. Provide general legal services to the Authority as a governmental entity in compliance with all applicable local, state and federal laws;
2. Work with the General Manager and general counsel in the performance of the scope of work listed here;
3. Provide guidance on specific legal matters related to state and federal water laws;
4. Conduct research, provide guidance, draft documents, and execute documents as required for the purpose of entering into contractual relationship(s) with the Authority for the purpose of the regional and state wholesale of water;
5. Review, draft, and negotiate water contracts and leases;
6. Initiate and/or defend lawsuits related to the contracts drafted with respect to the regional and state wholesale of water, and other state and federal legal claims, as necessary; and
7. Represent the Authority in state and federal legislative hearings and before state and federal agencies, including any contested hearings or public meetings, as necessary

**B. Services**

1. Services may be provided at the Authority's headquarters unless directed otherwise by the President;
2. Subcontracting of work under this RFQ/contract is not allowed;
3. There will be no guarantee of a minimum level of services to be acquired by the Authority; and
4. This is a one-year contract. At the end of the one-year initial contract period, The Authority maintains the option to renew this contract on a month-to-month basis at the discretion of the Authority and agreement with the vendor.

**C. Minimum Qualifications**

1. License to practice law in the State of Texas; and
2. Previous practice in State of Texas water law.
3. Strong preference given to those with background in both surface water law and groundwater law, utility law, general government law, administrative law, eminent domain, federal contract implementation with respect to water and environmental law, and litigation involving the aforementioned areas of law.

**Schedule and Deliverables**

The Authority will attempt to adhere to the following schedule. The Authority reserves the right to change the schedule as needed and will notify firms who register with the Authority of any significant changes:

Advertise Request for Qualifications ("RFQ")	July 24, 2019
Deadline for submittal of response to RFQ	August 30, 2019
Authority notifies selected firm on or about	September 19, 2019
Contract negotiations with selected firm and finalize contract	September 23–27, 2019
Notice to proceed with legal services	October 1, 2019

**III. PROPOSAL REQUIREMENTS**

The response to this RFQ should be as concise as possible while adhering to the format and information requirements described below.

Please limit your response to a maximum of twelve (12) single sided letter-sized pages with minimum font size 10, not including cover pages. The response to this RFQ will consist of the following sections:

Section 1 – General Information and Statement of Interest

Section 2 – Short biography and photograph of individual(s)/firm team members

Section 3 – Description of Relevant Experience

Section 4 – Potential Conflicts

Section 5 – Signed HB 1295 Disclosure Form

Section 6 – Schedule of Hourly Billable Rates for Services

### **SECTION 1 - GENERAL INFORMATION**

Provide the following information about each individual(s)/firm(s) participating in the services:

1. Name and address of individual(s)/firm(s) (include county);
2. Firm(s) contact name and information;
3. Number of years in business;
4. List of professional licenses and certifications; and
5. Statement of Interest.

### **SECTION 2 – BIOGRAPHY**

Provide the following information about each individual(s)/firm(s) participating in the services:

1. Short resume and biography of each individual.

### **SECTION 3 – DESCRIPTION OF RELEVANT EXPERIENCE**

Provide a description of relevant experience (limit one page per individual).

All Respondents shall include a list of a minimum of three (3) references, for similar services only, who could attest to the Respondent's knowledge, quality of work, timeliness, diligence, and flexibility. Include names, contact persons, and phone numbers of all references;

### **SECTION 4 - CONFLICTS**

Provide a description of any conflicts of interest or potential conflicts, as follows:

1. Provide an affirmative statement that the firm is independent of the Authority as defined by the U.S. General Accounting Office's Government Auditing Standards (1988); and
2. List any and all engagements within the last three (3) years that are or might otherwise be a conflicts of interest with the Authority.

## **SECTION 5 – HB 1295 COMPLIANCE**

Provide a signed form in compliance with HB 1295. Texas House Bill 1295 (effective 1/1/2016) requires individual(s)/firm(s) to complete Form 1295 and disclose all interested parties to the proposed project/contract. The firm must log in to the state website at <https://www.ethics.state.tx.us/filinginfo/1295/> complete the form online, print, sign, notarize and include with the proposal.

## **SECTION 6 – SCHEDULE OF RATES**

Provide a schedule of hourly billable rates for type of services, i.e. monthly retainer, rate to attend meetings, rate to attend court, rate for document drafting/review, etc.

### **IV. EVALUATION CRITERIA**

The proposals will be evaluated based on the following criteria:

- Quality of the Response - The degree to which the Respondent has responded to the purpose and scope of specifications, e.g., services to be provided – flexibility of Respondent to meet the Authority’s needs, conformance in all material respects to this RFQ, etc. 20%
- Capability - Respondent has the capability in all respects to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance as required by these specifications. Also includes Respondent’s capability and skill to provide the products or perform the services stated in these specifications. 40%
- Experience - Respondent’s experience in providing the services as requested in these specifications. 40%

### **V. CONTRACT**

1. The successful Respondent will be required to enter into a Personal Services Agreement “Agreement” with the Authority. Any Agreement shall be in accordance with the contract format required by the Authority.
2. The Agreement is subject to the review and recommendation of the Board President, including fees acceptable to both the Authority and the selected individual(s)/firm(s).
3. The Agreement will be monitored for acceptable services rendered throughout the contract period.
4. Cancellation of Agreement – The Authority shall have the right to cancel and terminate any Agreement, in part or in whole, for any reason or for no

reason, without penalty, upon 10-day notice to the individual(s)/firm(s). Individual(s)/firm(s) shall not be entitled to lost profits or any further compensation not earned prior to the time of cancellation.

END OF REQUEST FOR QUALIFICATIONS